

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

WRIT PETITION NO.6568 OF 2005

In Touch India & Ors. : Petitioners

V/s.

Bank of India : Respondent

...

Mr.Tejesh Dande for the petitioners.

None present for the respondent.

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**CORAM : S.A. BOBDE, J.**

October 3, 2005.

P.C.:

1. The only order that is challenged by the petitioners is the order of the Debts Recovery Appellate Tribunal (for short "DRAT") refusing to take up the appeal and application for stay urgently on the ground that the petitioners made a false statement that they were not heard.

2. The learned counsel for the petitioners states that the petitioners' statement was to the effect that the order was passed ex parte and, therefore, the appeal may be heard.

3. Having regard to the settled position in law that if there is a dispute between what the Tribunal or the Court has recorded and what was intended to be stated, the parties must apply to that Tribunal or Court itself. In this view of the matter, there is no reason to interfere.

4. The learned counsel for the petitioners seeks permission to withdraw this petition with liberty to apply to the Tribunal afresh when the DRAT may consider the petitioners' application afresh. The learned DRAT shall consider the petitioners' application for circulation. The petitioners are directed to appear before the DRAT on 10.10.2005.

5. The petition stands disposed of.

S.A. BOBDE, J.